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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

PEACH et al.

Atty. Ref.: 4412-10

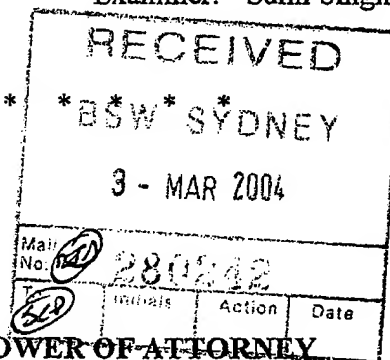
Serial No. 09/889,745

TC/A.U.: 3673

Filed: October 15, 2001

Examiner: Sunil Singh

For: ROCK BORING DEVICE



Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY  
AND EXCLUSIVE PROSECUTION HEREAFTER BY  
ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

ODYSSEY TECHNOLOGY PTY LTD., being the owner of all right, title and interest in the above-identified patent application, hereby revokes all previous powers of attorney in this case, if any, and hereby appoints the attorneys of **Customer Number 23117** individually and collectively its attorneys to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent.

ODYSSEY TECHNOLOGY PTY LTD. also authorizes Nixon & Vanderhye to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owner.

PEACH et al.  
Serial No. 09/889,745


Certificate Under 37 C.F.R. §3.73(b)

ODYSSEY TECHNOLOGY PTY LTD., a corporation having a place of business at Building 102, 2436 Moggil Road, Pinjarra Hills, Queensland, Australia 4069 states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors to the aforesaid assignee, a copy of the assignment being attached.

The undersigned (whose title is typed below) is empowered to sign this statement on behalf of ODYSSEY TECHNOLOGY PTY LTD.

ODYSSEY TECHNOLOGY PTY LTD.

3 | 3 | 04  
\_\_\_\_\_  
Date

By:   
Name: PETER . J. KEAYES  
Title: Company Secretary



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**DEED OF ASSIGNMENT**

TERRATEC ASIA PACIFIC PTY LTD ABN 18 050 205 617

and

ODYSSEY TECHNOLOGY PTY LTD ABN 34 090 777 450

152

© McCullough Robertson 2001

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**84**

**DEED OF ASSIGNMENT**

Made on

14<sup>th</sup> September 2001**COPY**

**BETWEEN** **TERRATEC ASIA PACIFIC** ABN 14 078 574 348 of Suite 10, 136 Davey Street,  
Hobart, Tasmania

('Terratec')

**AND** **ODYSSEY TECHNOLOGY PTY LTD** ABN 18 050 205 617 of 'RM S 217 Level 2  
Hawken Engineering Building' Cooper Street, University of Queensland, Queensland

('Odyssey')

**BACKGROUND**

- A. Terratec is the registered applicant of the rock boring device ('Invention') described in the Australian Patent Application number 25269/00 (PCT/AU00/00030) ('Patent'), which is owned by Odyssey.
- B. Terratec wishes to assign to Odyssey the Patent, including national phase applications, divisionals and continuations in part, the entire right, title and interest in and to the Invention.
- C. The parties to this deed wish to effect and perfect the relevant terms of the deed of agreement entered into by the parties ('Deed of Agreement') on or about the date of this deed.

**OPERATIVE PROVISIONS****1. ASSIGNMENT**

Terratec hereby assigns to Odyssey the Patent including national phase applications, divisionals and continuations in part, the entire right, title and interest in and to the Invention throughout the world.

**2. FURTHER ASSURANCES**

Terratec and Odyssey shall do everything and sign all such documents necessary or desirable to give full effect to this deed of assignment, and shall refrain from doing anything which might prevent full effect being given to this deed of assignment.

**3. COUNTERPARTS**

This Deed is validly executed if executed in one or more counterparts.

**COPY**  
Deed of assignment

RD

EXECUTED as a deed.

SIGNED SEALED AND DELIVERED  
for and on behalf of  
TERRATEC ASIA PACIFIC PTY LTD  
ABN 18 050 205 617 by authority  
of the directors in the presence of:



**COPY**

A Director

A Director/Secretary

A AWYN ANTHON JONES  
Full name of Director

A ANTHONY JOHN PEARCE  
Full name of Director/Secretary

SIGNED SEALED AND DELIVERED  
for and on behalf of  
ODYSSEY TECHNOLOGY PTY LTD  
ABN 34 090 777 450 by authority  
of the directors in the presence of:

A Director

A Director

A ROBERT BRYAN DAVIS  
Full name of Director

A FRANK WILLIAM GRIBB  
Full name of Director

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Deed of assignment Page 2

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I HEREBY CERTIFY THAT THIS CORRESPONDENCE  
IS BEING DEPOSITED WITH THE UNITED STATES  
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ON February 5, 2004  
Janet Lucas

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